

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed May 15, 2008. At the time of the Final Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). In response to the arguments provided by Applicant, the Examiner maintains this objection because the drawings allegedly do not show a high-pressure accumulator in the form of a ring which is a full circle. Applicants respectfully disagrees.

Figure 1 as well as Figure 2 show a central axis the ring structure of the accumulator 4 as common in technical drawings. The ring 4 which is symmetrical around this axis. Moreover, the description states that the ring groove can be realized by rotation. It is common practice in technical drawings to show rotation symmetrical elements around an axis in a sectional view. The technical drawing further shows openings 3, 12, 14, and 16 using similar axis lines. These openings are clearly understood by a person skilled in the art as having a circular shape. A person skilled in the art would have no trouble interpreting the Figures and determine that numeral 4 identifies an annular ring structure within the piston pump.

Rejections under 35 U.S.C. § 102

Claims 1-20 stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,345,609 issued to Ilija Djordjevic (“*Djordjevic*”). Applicants respectfully traverse and submit that *Djordjevic* does not teach all of the elements of the claimed embodiment of the invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claim 1 includes the limitation of “*the high pressure accumulator is embodied in the form of a ring.*” The Applicant can be his own lexicographer and define any term. Applicant defined the term ring as follows:

Thereby the high pressure accumulator 4 is embodied in the form of a ring in a front side of the pump housing 1. The ring groove can be realized easily by machining processes, by rotation for instance. Thereby the obvious thing would be to make the ring groove in a single operation together with making the bearing holes for drive shaft 2. This allows the pump housing 1 to be machined in one operation without being rechucked, which results in a particularly simple production process.

Specification, paragraph [0017].

Thus, according to the specification, a ring is machined by rotation for example together with the making of the bearing hole for shaft 2. Thus, as defined by the Applicant a ring comprises a full circle without a beginning and an end. The Examiner failed to provide

any evidence that the term “ring” can be interpreted in any other way in view of the present specification.

Djordjevic merely discloses a common rail section in the shape of partial ring, namely approximately $2/3$ of a circle. Thus, this partial ring has a definite beginning and end contrary to a ring. Moreover, Figure 1 is merely a schematic representation. the actual embodiment of the internal common rail 22 is shown in Figure 4 which in addition to the merely partial ring form shows single straight bore sections for each piston that have to meet in the middle section between two pistons.

Hence, *Djordjevic* does not anticipate the present independent claims. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.


CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', is written over the typed name and firm name.

Andreas Grubert
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Date: July 15, 2008

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